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DYER

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T-289 P.002/003 F-389

Patents

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of:  
DYER, Wallace K.

Art Unit: 1639

Serial No. 09/943,138

Filed: August 30, 2001

Examiner: EFFERSON, Jan D.

For Methods and Compositions for  
Tissue AugmentationMail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**DECLARATION OF WALLACE K. DYER, M.D.**

I, Wallace K. Dyer, declare as follows.

1. I am a board certified facial plastic surgeon and a board certified otolaryngologist, head and neck surgeon and have been in practice for the past 20 years. I am a Fellow of the American Academy of Facial Plastic and Reconstructive Surgery, the American Academy of Otolaryngology, Head and Neck Surgery, and the American College of Surgeons (F.A.C.S.).

2. I invented the subject matter claimed and disclosed in United States Patent Application Serial Number 09/943,138 ("the Application"), filed on 31 August 2001, which claims priority to U.S. Provisional Patent Applications 60/229,085 filed August 30, 2000, 60/229,989 filed September 5, 2000, and 60/241,636 filed October 19, 2000.

3. I conceived the subject matter disclosed in the Application in this country at least as early as December, 1999, and at least at that time, had prepared an embodiment of the invention. On or about December 3 and 4, 1999, I had a confidential meeting with Dr. Stephen Perkins in which I showed Dr. Perkins an embodiment of my invention and discussed methods for injecting the compositions of my invention in soft tissue for correction or repair. At that meeting, I showed Dr. Perkins a vial of a solution of microparticles for insertion in soft tissue. The solution was expanded polytetrafluoroethylene particles in a polyvinylpyrrolidone solution.

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**DECLARATION OF STEPHEN W. PERKINS, M.D.**

I, Stephen, Perkins, declare as follows:

1. I am a Board certified Facial Plastic Surgeon and have been in practice for the past 22 years. I am the past President of the Academy of Facial Plastic and Reconstructive Surgery Society, Chairman of the Fellowship Review Committee, a Fellowship Program Director, the Sub-committee Chairman for the Ninth International Symposium and I am a current member of the Ethics Committee for the American Academy of Facial Plastic and Reconstructive Surgery.
2. At the Annual Indiana University School of Medicine, with the Department of Otolaryngology-Head & Neck Surgery Department where I serve as a Clinical Associate Professor, we were hosting a Facial Plastic Surgery Meeting where Dr. Dyer was an invited faculty member. The meeting was in Indianapolis, Indiana, on December 3-4, 1999 and the course was titled, "Facial Plastic Surgery: Entering the New Millennium." Dr. Wallace K. Dyer and I met and we had a confidential meeting in which Dr. Dyer disclosed his invention to me.
3. Dr. Dyer showed me a clear vial that contained a suspension of very small particles in a liquid. Dr. Dyer told me that the suspension had very finely sized pieces of a solid surgical material suspended in a biocompatible liquid. He told me that this composition was for insertion in soft tissue for repair or reconstruction of such tissues. The suspension was expanded polytetrafluoroethylene particles in a polyvinylpyrrolidone solution.
4. I have received no remuneration for these statements and have volunteered to provide this declaration.
5. I acknowledge under the penalty of perjury pursuant to 18 U.S.C. § 1001, that willful false statements and the like are punishable by fine or imprisonment, or both, and may jeopardize the validity of the above-identified patent application or any patent issuing from the above-identified patent application.

This 27<sup>th</sup> day of July 2005.

NOTARY PUBLIC STATE OF INDIANA  
MARION COUNTY  
MY COMMISSION EXP. OCT. 13, 2007

Simon L. Ridge, Notary

Stephen W. Perkins, MD.  
Stephen W. Perkins, MD